

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CLINT PHILLIPS, III,)	
)	
Plaintiff,)	
)	
v.)	No. 4:24-CV-213 RLW
)	
BUZZ WESTFALL JUSTICE CENTER, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on review of self-represented Plaintiff's civil rights complaint brought under 42 U.S.C. § 1983. ECF No. 1. Plaintiff has neither paid the \$405 filing fee nor filed a motion for leave to proceed *in forma pauperis*.¹ Because Plaintiff is a self-represented litigant, the Court will allow him twenty-one (21) days from the date of this Memorandum and Order to file a motion to proceed *in forma pauperis* or pay the Court's filing fee in full.

In addition, the Court recognizes that Plaintiff indicated on the 'Original Filing Form' attached to his complaint that he was filing the "same cause, or a substantially equivalent

¹A motion for leave to proceed *in forma pauperis* should be filed on a Court form accompanied by a certified copy of Plaintiff's inmate account statement for the six-month period immediately preceding the filing of the complaint. See 28 U.S.C. § 1915(a)(2); E.D. Mo. Local Rule 2.05(A). Alternatively, Plaintiff may pay the full \$405 filing fee.

A review of this Court's records shows that Plaintiff has previously brought at least three civil actions that were dismissed on grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted. See *Phillips v. St. Louis City Police Officers*, No. 4:17-cv-1637-HEA (E.D. Mo.) (dismissed Jan. 10, 2018, under 28 U.S.C. § 1915(e)(2)(B)(i)); *Phillips v. Romeo*, No. 4:17-cv-1636-NAB (E.D. Mo.) (dismissed Aug. 4, 2017, under 28 U.S.C. § 1915(e) as frivolous); *Phillips v. City of St. Louis*, No. 4:11-cv-791-CEJ (E.D. Mo.) (dismissed May 19, 2011, under 28 U.S.C. § 1915(e)(2)(B)). Therefore, the Court cannot permit Plaintiff to proceed *in forma pauperis* unless he "is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g). Nothing in the currently filed pleading indicates that Plaintiff qualifies under the imminent-danger exception.

complaint” but he did not know the case number for the previously filed matter. See ECF No. 1-3. A search of Court records shows that Plaintiff currently has another pending case with a defendant “Lt. Unknown Jones,” in which Plaintiff also alleges that Jones used excessive force on him in 2009. See Phillips v. Jones, No. 4:24-CV-186-HEA (E.D. Mo. filed Feb. 2, 2024). That case is awaiting the filing of an amended complaint on a Court-provided form, and either a motion to proceed in forma pauperis or the payment of the full filing fee. See id., ECF No. 3. If Plaintiff intends the complaint filed in this matter to be the amended complaint for Case No. 4:24-CV-186 HEA, Plaintiff must state this to the Court in writing and include the appropriate case number on the filing.

If Plaintiff fails to file a motion to proceed *in forma pauperis* or pay the Court’s filing fee in full **by March 13, 2024**, the Court will dismiss this action without prejudice and without further notice.

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall mail to Plaintiff a blank copy of the Court’s ‘Application to Proceed in District Court without Prepaying Fees or Costs’ form.

IT IS FURTHER ORDERED that by **March 13, 2024**, Plaintiff shall either pay the full filing fee or submit a completed ‘Application to Proceed in District Court without Prepaying Fees or Costs’ form. If Plaintiff files a motion to proceed *in forma pauperis*, he shall also submit a certified copy of his inmate account statement for the six-month period immediately preceding the filing of the complaint.

IT IS FURTHER ORDERED that by **March 13, 2024**, Plaintiff must inform the Court in writing if he intends the complaint filed in this matter to be the amended complaint for Phillips v. Jones, Case No. 4:24-CV-186-HEA (E.D. Mo. filed Feb. 2, 2024), in which matter he was

ordered to file an amended complaint on a Court-provided form by February 27, 2024. (Id. at ECF No. 3).

IT IS FURTHER ORDERED that if Plaintiff fails to timely fully and comply with this Order, this case will be dismissed without prejudice and without further notice.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE

Dated this 21st day of February, 2024.